

Comments

2 **Constitution of the**
3 **California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria**

Will changing name cause unnecessary problems?
On 9-1-08, Tia Sam of BIA said that it might but she
will investigate it.

4 **Dedication**

6 We, the People of the California Valley Me-Wuk Tribe of the Sheep
7 Ranch Rancheria, in the names of our ancestors and future
8 generations, in order to preserve peace and establish order in our
9 community, to protect the rights of the Tribe and its Members as a
10 sovereign nation, to preserve and advance our cultural identity, and to
11 promote the general welfare of our people and our descendants do,
12 hereby, establish this Constitution.

12 **History**

14 The California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria
15 is a federally recognized, Indian tribe, established on April 5, 1915
16 pursuant to Acts of June 21, 1906 (34 Stat. 325-333) and April 30,
17 1908 (35 Stat. 70-76). In this Constitution, the California Valley
18 Me-Wuk Tribe of the Sheep Ranch Rancheria may also be referred to
19 as the "Tribe".

20 Initially designated as "Sheepranch-Indians", the original 12
21 members of the tribe constituted the remnant of what was, once, quite
22 a large band of Indians who lived in the Sheep Ranch area of
23 Calaveras County and who dated their ancestry back, several
24 thousand years to pre-historic times. In 1936, the government
25 identified The Tribe as the "Sheep Ranch Rancheria"; one member
26 voted for The Tribe to become organized under the Indian
27 Reorganization Act of 1934; and in 1965, another member was
28 identified for the purposes of the Rancheria Termination Act. Unlike
the other rancherias, This Tribe was never terminated. In 1996, the
Federal government began publishing a list of federally recognized

30 tribes in the Federal Register; and therein, the Tribe became
31 identified as: "Sheep Ranch Rancheria of Me-Wuk Indians of
32 California", Then, in 2002, the name was changed in the Federal
33 Register to "California Valley Miwok Tribe, California (formerly the
34 Sheep Ranch Rancheria of Me-Wuk Indians of California)".

35
36 The tribal name on this Constitution is adopted during the
37 re-organization of 2008. From its inception to this Constitution, the
38 Tribe remained governed by Me-Wuk tradition, and those customs
39 continue to influence the conduct of the Tribe. Accordingly, The
40 Tribe, in more formal terms, enacts this Constitution to advance the
41 respect for the elders, the family unit, and the development of each
42 individual, in the spirit of working together with patience, the sharing
43 of resources, democratic governance, and openness. The Articles of
44 Organization implement these general purposes.

44 **Summary**

45
46 In this Constitution, Tribal Membership is defined by Right and
47 Adoption, and by Ordinances that are adopted by the Tribal Council
48 (Article II). The Tribal Membership elects 7 Members to serve as
49 Officers on the Tribal Council (Article VIII); and all tribal matters
50 are governed and administered by that Tribal Council (Article III, IV,
51 and V). The Tribe has a Court System (Article VI) for resolving
52 disputes and enforcing Ordinances. The Constitution describes
53 procedures for the Removal of Officers on the Tribal Council and
54 filling Vacancies (Article IX), for Initiatives and Referenda (Article
55 XI), for the Civil Rights of its Members (Article XIV), and for
56 making Amendments to this Constitution (Article XVI), among other
57 provisions.

58

Articles of Organization

60

ARTICLE I - Territory and Jurisdiction

62

Section 1. Territory. The territory of The Tribe shall include, to the fullest extent possible and consistent with federal law, all lands, water, property, airspace, surface and subsurface rights and other natural resources in which The Tribe now has or in the future will have any interest and which are owned by the United States for the exclusive or non-exclusive benefit of The Tribe or for individual members, excepting any rights-of-way.

64

66

68

70

Section 2. Jurisdiction. Except as prohibited by federal law, The Tribe shall have jurisdiction over all tribal members and all persons, subjects, property, and activities which occur within its territory, as defined above, in Section 1 of this Article. Apart from the limitations that are imposed herein, there shall be no other limits on The Tribe to exercise its jurisdiction according to its inherent sovereignty.

72

74

76

Section 3 - Headquarters. The headquarters of the Tribe is the site of the Tribe's historic Rancheria at Sheep Ranch, California. However, the Tribal Council may relocate the Tribe's headquarters to another location owned by the Tribe in fee or owned by the United States in trust or otherwise on behalf of the Tribe.

78

80

82

ARTICLE II - Membership

84

The Membership of the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be derived as follows:

86

Section 1. Membership by Inherited Rights

88 **The Putative Members.** Those individuals, who are identified in the
April 2007, Public Notices of the BIA, is a Member of the Tribe.

90 **Census of 1929.** Any individual, who is identified as Me-wuk and is
92 named on the "Indian Census Roll" for the County of Calaveras
which is dated June 30, 1929 and was taken by L.A. Dorrington,
94 Superintendent of the Bureau of Indian Affairs (BIA), or a lineal
descendant, thereof, is a Member of the Tribe, according to the
Ordinances for Membership adopted by the Tribal Council and
96 completing the enrollment procedures as mandated in Section 9 of
this Article.

Any individual, **who is identified as Me-wuk** and
who is named on the "Indian Census Roll" for the
county of Calaveras....

Has been included.

98 **Lineal Descent.** Any person who is born to an existing Member is,
100 by lineal descent, a Member of the Tribe and upon reaching the age
of 18, and according to the Ordinances for Tribal Membership as
102 adopted by the Tribal Council and upon completing the enrollment
procedures as mandated in Section 9 of this Article.

a Member of the Tribe, **and** upon reaching

Has been included.

104 **Section 2. Membership by Adoption.** The Tribal Council shall
have the authority to create procedures for Membership by Adoption
106 as defined in the Ordinances for Tribal Memberships. Any such
Membership by Adoption Ordinance must be approved by 51% or
108 more of the General Membership. A person, who have been adopted
by the Tribe in accordance with such Ordinances, is a Member.

**and which have been approved by 51% or
more of the General Membership.**

Has been included.

110 **Section 3. Rights of Members.** All persons who are accepted as
Members under Sections 1 and 2 of this Article shall have the rights
112 as defined in Ordances for Tribal Membership.

114 **Section 4. Loss of Membership.**

116 (a) A Member of The Tribe may not lose one's Membership
involuntarily nor be disenrolled for any purpose other than erroneous

membership in another **Federally Recognized ???**
tribe.

118 facts about the person's lineage during the Enrollment process or **Has been included.**
having membership in another federally recognized tribe.

120 (b) On a case by case basis, the Tribal Council, by majority vote,
may sanction a Member for a justifiable cause by withdrawing tribal
122 benefits and privileges. Such sanctioning shall be done in writing
and in accordance with the procedures that have been established in
the Ordinances for Tribal Membership.

124 **Section 5. Reinstatement.** Any person who has been sanctioned
126 pursuant to Section 4(b), above, may be restored in accordance with
the applicable enrollment ordinance.

128 **Section 6. Appeal.** Any person who has been disenrolled pursuant
130 to Section 4(a), above, or sanctioned pursuant to Section 4(b), above,
may appeal to the Tribal Court in accordance with the applicable
132 enrollment ordinance, Provided, That the Tribal Court shall not be
the same as the Tribal Council which disenrolled the Member.

134 **Section 7. Membership Roll.** The Tribal Council shall maintain the
membership roll of all current and former tribal Members.

136 **Section 8. Oath of Membership.** A person, upon initiation into The
138 Tribe as a Member, shall make an oath to uphold this Constitution
and allegiance to The Tribe; and this oath shall be prescribed in the
"Ordinance for Tribal Membership".

140 **Section 9. Membership Ordinance.** Consistent with this
142 Constitution, the Tribal Council shall enact an "Ordinance for Tribal
Membership" to define specific types of membership, the procedures
144 which govern the enrollment, responsibilities, and other conditions of
Membership.

146 **ARTICLE III - Governance**

148 The government of the California Valley Me-Wuk Tribe of the Sheep
149 Ranch Rancheria shall include a Tribal Council, a Tribal Court
150 System, and a Tribal Administration. The Tribal Council shall
151 operate in accordance with Articles IV and V. The Court System
152 shall operate in accordance with Article VI. The Tribal
153 Administration shall be subordinate to the Tribal Council and shall
154 operate in accordance with Article VII.

154 **ARTICLE IV - Tribal Council**

156 **Section 1. Establishment.** The legislative and governing body of
157 the California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria
158 shall be known as the Tribal Council. All Tribal Council members
159 shall be enrolled members of The Tribe who are eligible voters of
160 The Tribe in accordance with this Constitution and who have been
161 duly elected by the election procedures in Article VIII. Each member
162 of the Tribal Council must reside within the territory of The Tribe or
163 within one hundred fifty (150) miles from the Territory of The Tribe.
164 The Tribal Council shall consist of seven (7) voting members and
165 various non-voting, adjuvant representatives as defined in this
166 Constitution or by Ordinance. All Tribal Council Members are
167 elected at-large according to the procedures in Article VIII.

168 **Section 2. Chairperson.** The Tribal Council shall have one position **twenty one (21)** years of age
169 of Chairperson who must reside within the territory of The Tribe or
170 within one hundred fifty (150) miles from the Territory of The Tribe, **Has NOT been included.**
171 and who must be at least thirty five (35) years of age. The
172 Chairperson shall be elected by a majority of the elected Tribal
173 Council members.

174 (a) The duties of the Chairperson shall include, but not be limited to,

176 organizing the meetings of the Tribal Council, administering the
proceedings of the Tribal Council, and over-sight of all
178 administrative actives of The Tribe. The Chairperson is a voting
member of the Council.

180 **Section 3. Vice Chairperson.** The Tribal Council shall have one
position of Vice Chairperson who must reside within the territory of
182 The Tribe or within one hundred fifty (150) miles from the Territory
of The Tribe, and who must be at least thirty five (35) years of age.
184 The Vice Chairperson shall be elected by a majority of the elected
Tribal Council members.

186 (a) The duties of the Vice Chairperson will assist the Chairperson
and substitute for the Chairperson in the absence of that official.
188 The Vice Chairperson is a voting member of the Council.

190 **Section 4. The Other Council Members.** The five (5) other Tribal
Council Members shall perform functions as may be assigned by the
192 Council. These are voting members of the Council.

194 **Section 5. Non-voting, Non-elected Representatives.** There shall
be established a Council of Elders, a Council of Youth, and an Office
of Hereditary Chief pursuant to an Ordinance as mandated in Section
196 11 of this Article. These are adjuvant, non-voting and non-elected
Councils who may attend Council meetings and address, and advise
198 the Council. Other *ad hoc* Councils may also be established by the
Tribal Council under an ordinance according to Section 11 of this
200 Article.

202 **Section 6. Terms of Office.** The terms of office for all Tribal
Council Members including the Chairperson and Vice Chairperson
shall be four (4) years except as provided for in Article VIII, Section
3 - The First Election. There shall no limitations on serving

204 consecutive terms on the Tribal Council. All Tribal Council
206 Members must continue to meet the residency requirements as set
of office.

208 **Section 6. Duties of the Officers.** Consistent with this Constitution,
210 the duties of the Tribal Council Members may be further defined by
ordinance as mandated in Section 11 of this Article.

212 **Section 7. Meetings of the Tribal Council.**

214 (a) The Tribal Council shall hold 12 regular meetings per year.

216 (b) The Chairperson or any four other members of the Tribal Council
218 may call special meetings of the Tribal Council. Adequate notice of
all special meetings shall be given to all members of the Council as
defined by an Ordinance.

220 (c) The meetings of the Tribal Council shall be conducted according
222 to rules-of-order as defined by Ordinance, Resolutions, or other
Enactments, all of which shall be recorded and codified in a system
that is similar to that of the Titles of the United States Code.

224 (d) At each regular or special meeting of the Tribal Council, the
226 Secretary shall appoint a person to take minutes of the meeting, and a
copy of the minutes shall be preserved by the Tribal Council and
228 made available to tribal Members in accordance with an Ordinance.

At each regular or special meeting of the Tribal
Council, **the Secretary shall appoint a person
to take minutes.** Has been included.

230 **Section 8. Quorum.** Five (5) or more members of the Tribal Council
shall constitute a quorum for any regular or special Tribal Council
232 meetings. A quorum is required at all meetings in order to conduct
official business of the Tribal Council and create Enactments as
defined in Article XII.

234 **Section 9. Voting.** The Tribal Council shall make decisions by a
majority vote of those present except as otherwise provided in this
236 constitution or in any ordinance which requires more than a majority
vote. All Tribal Council Members, including the Chairperson and
238 Vice Chairperson, shall have the power to vote. Proxy voting in the
Council is prohibited.

240 **Section 10. Code of Ethics.** The Tribal Council shall have the power
to adopt a Code of Ethics governing the conduct of tribal officials.
242 The Code of Ethics must be ratified by 51% of the General
Membership who respond to a call to vote on the adoption of such a
244 code. The Code of Ethics may include disciplinary procedures so
long as the official in question is informed of the charges and given
246 an opportunity to respond to those charges including the opportunity
to present witnesses and other evidence in his or her defense.

248 **Section 11. Ordinance for the Tribal Council.** Consistent with the
sections, above, and in Article V, and this Constitution, procedures
250 for the Tribal Council shall be prescribed in an Ordinance for the
Tribal Council.

252 **ARTICLE V - Tribal Council Powers**

254 **Section 1.** Vested in the Tribal Council of the California Valley
Me-Wuk Tribe of the Sheep Ranch Rancheria is the sole authority to
256 exercise all powers that are vested in the Tribe through its inherent
sovereignty or federal law. It shall execute these powers in
258 accordance with established customs of The Tribe and subject to the
express limitations that are contained in this Constitution, the
260 Ordinance for the Tribal Council, or other applicable laws. These
powers shall include, but are not limited to, the following.

- 262 To represent The Tribe and act in the name of The Tribe in all
264 matters that concern The Tribe and to make decisions for The Tribe
that are consistent with this Constitution;
- 266 To negotiate and enter into contracts with the federal, state, and local
268 governments and other tribal governments and with individuals,
associations, corporations, enterprises, or organizations;
- 270 To purchase or accept any land or property for The Tribe;
- 272 To enact laws which regulate the use, disposition, and inheritance of
all property within the Territory of The Tribe, as defined in Article I;
- 274 To prevent or veto the sale, disposition, lease, or encumbrance of
tribal lands, interests in land, tribal funds or other tribal assets;
- 276 To employ legal counsel in accordance with applicable federal laws;
- 278 Within the territorial jurisdiction of The Tribe and within the
280 limitations of Article XIV - Civil Rights, to enact laws which
regulate the domestic relations of persons;
- 282 Within the territorial jurisdiction of The Tribe and within the
284 limitations of Article XIV - Civil Rights, to enact laws which
regulate the conduct of individual persons;
- 286 To provide for the removal or exclusion of any Member or
288 non-member of The Tribe whose presence may be injurious to
Members of The Tribe and to prescribe conditions upon which any
Member or non-members may remain within the Territory of The
Tribe;
- 290 To levy and collect taxes, duties, fees, and assessments on individuals

and entities;

292

to appropriate and regulate the use of tribal funds in accordance with
an annual budget approved by the Tribal Council;

294

To regulate all business activities within the jurisdiction of The Tribe
and to manage all tribal economic affairs and enterprises;

296

To regulate all matters and to take all actions necessary to preserve
and safeguard the health, safety, welfare, and political integrity of
The Tribe;

298

300

To appoint subordinate committees, commissions, boards, tribal
officers, and employees and to set their compensation, tenure, and
duties;

302

304

To enact laws, ordinances, and resolutions that are necessary or
incidental to the exercise of its legislative powers;

306

To take any and all actions that are necessary and proper for the
exercise of the foregoing powers and duties, including those powers
and duties not enumerated, above, and for the exercise of all other
powers and duties now or hereafter delegated to the Tribal Council or
vested in The Tribe through its inherent sovereignty or by Federal
law.

308

310

312

314

ARTICLE VI - Court System

316

Section 1. Establishment. The judicial power for the California
Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be vested
in the Tribal Court System. The Tribal Council shall establish the
Tribal Court System by an ordinance to be entitled "Ordinance for the
Tribal Court System" and which shall include the Tribal Court and

318

320 such other lower courts of special jurisdiction, including forums for
322 traditional dispute resolution, as the Tribal Council may deem
324 necessary. There shall also be a Court of Appeals which shall be the
326 court of last resort for all cases filed within the Tribal Court System.

324 The Ordinance for the Tribal Court System shall define such issues
326 as: Jurisdiction; Appointment of Judges; Qualification of Judges;
328 Compensation; Removal of Judges; and Court Rules of Procedure.

328 **Section 2. Intermediate Jurisdiction.** During the first 5 years after
330 the acceptance of this Constitution by the Secretary of the Interior,
332 the Tribal Council may act as the Tribal Court and shall commission
334 a local, civil magistrate as the Court of Appeals. The procedures for
336 this Intermediate Jurisdiction shall be defined in the Ordinance for
338 the Tribal Court System that shall be adopted within the first year
340 after the validation of this Constitution.

336 **ARTICLE VII - Tribal Administration**

336 The Tribal Administration shall consist of officers and staff who are
338 appointed by the Tribal Council. The Tribal Administration shall
340 oversee the implementation and management of The Tribe's business
342 and programs and conduct the day-to-day operations of The Tribe.
344 The Tribal Administration shall be subordinate to the Tribal Council.
346 This administration shall be regulated by an ordinance entitled
348 "Ordinance for Tribal Administration".

344 **ARTICLE VIII - Elections**

346 **Section 1. General Elections.** The only tribal elections are for the
348 for the Members of the the Tribal Council. The elections for the
350 Tribal Council are general elections among the entire Membership
352 who are qualified to vote. The elections to vote for Tribal Council

**4 Officers (Chairperson, Vice Chairperson,
Secretary, and Treasurer) and 3 at larger.**
Has NOT been included.

350 Members shall be held in even numbered years on the first Saturday
of October beginning in 2008. The election of Tribal Council
352 Members shall be staggered so that no more than four Council seats
shall be up for election at any one time.

354 **Section 2. Special Elections.** Special elections shall be held when
called for by the Tribal Council, by this Constitution, or by the voting
356 Members as provided for in Articles IX and XI of this constitution or
appropriate Ordinances.

358 **Section 3. The First Election.** The first election shall be held on the
first Saturday of October, 2008 and shall install 7 Tribal Council
360 Members. Of those members, the Chairperson and two other Council
positions will serve for six years, after which those 3 positions will be
362 open for re-election and thereafter the term for the Council Member
shall be 4 years. The other four Council positions will serve a term
of 4 years, after which those positions will be open for re-election.
364

366 **Section 4. Election Board.** The Tribal Council shall appoint an
Election Board to conduct all elections including all special elections.
368 The Election Board shall consist of five tribal member of which one
shall be age 55 or older, another between the ages of 35 and 54, and
another between the ages of 18 to 34 - provided that all members of
370 the Election Board shall be at least 18 years of age and provided,
further that an Election Board Member shall not be eligible to run for
372 a seat on the Tribal Council. All Election Board Members shall serve
for a specific term of office as established in the Ordinance for Tribal
Elections. The Election Board may appoint clerks, poll workers, and
374 others to assist the Election Board in conducting the election. In the
absence of a sufficient number of Tribal Members to fill the Election
376 Board, the Tribal Council may hire non-member professionals for
necessary functions.

378 **Section 5. Nominations.** For all elections of the Tribal Council
Members, the Election Board shall conduct a Nomination Meeting
380 among the eligible, voting Membership to nominate tribal members
as candidates for the available Tribal Council seats. This Nomination
382 Meeting shall be 60 days prior to the election date; and at the
Nomination Meeting, all eligible voters, as defined in Section 7 of
384 this Article, may submit nominations for any vacant seat. The
Election Board shall mail a notice regarding the qualified candidates
to all eligible, voting Members at least 30 days prior to the election
386 date. The particulars of the nomination process shall be defined in
the Ordinance for Elections.

388 **Section 6. Qualifications for Tribal Council.** Persons who are
nominated to run for the Tribal Council seats must be enrolled tribal
390 Members who meet the age and residency requirements which are set
forth in Article IV on or before the date of the election.
392

394 **Section 7. Eligible Voters.** All tribal Members who are eighteen
(18) years of age or older shall be eligible to vote.

**All tribal Members who are eighteen (18)
years of age or older shall be eligible to vote.**
Has been included.

396
398 **Section 8. Ballots.** All voting at regular and special elections shall
be done by secret written ballot.

400 **Section 9. Absentee Ballots and Proxy Voting.** Absentee voting
shall be permitted, as prescribed by Ordinance. Proxy Voting shall
402 not be permitted.

**Absentee voting shall be permitted by
Ordinance.** Has been included.

404 **Section 10. Election Results.** The Election Board shall certify the
results of an election within three (3) days after the election day. The
candidates receiving the highest number of votes shall be declared
406 members of the Tribal Council for the available seats.

408 **Section 11. Tie Votes.** Tie votes between two or more candidates
shall be decided in a special run-off election. All eligible voters shall
410 be entitled to vote in any run-off election. If a run-off election ends
in another tie, the outcome shall be decided by the drawing of straws
by the candidates tied for that office, with the longest straws winning.
412 The Election Board shall certify the results of any run-off election
within three (3) days after the run-off election day.

414 **Section 12. Challenges.** Any tribal member may challenge the
results of any election by presenting his or her challenge to the Tribal
416 Court within five (5) days after the election results have been
certified. The Tribal Court shall decide all elections challenges
418 within ten (10) days from the date the challenge is filed. Any appeals
shall be filed with the Court of Appeals within five (5) days of the
420 issuance of the Tribal Court decision, and the Court of Appeals shall
decide the appeal within ten (10) days. If the Tribal Court or court of
422 Appeals invalidates the election results, a new election shall be held
within sixty (60).

424 **Section 13. Oath of Office.** The oath of office for each newly
elected Tribal Council Member shall be administered by the Election
426 Board within thirty (30) days after the Election Board declares the
winner of a seat, unless a challenge is filed and in that case within
428 thirty (30) days after a final decisions by the Tribal Court or Court of
Appeals. If a challenge is filed but it does not related to all of the
430 elected seats, then the oath of office shall be administered to the
newly elected Tribal Council Members whose seats have not be
432 challenged within thirty (30) days after the Election Board declares
the winners. Each incumbent Tribal Council Member shall remain in
434 office until the oath of office is administered to the newly elected
Tribal Council Member for one's seat. Upon expiration of the
incumbent's term of office, that incumbent shall transfer all tribal

For good cause.
70% of the Voting Members
Handle by Ordinance
Has NOT been included but needs work.

436 records within one's control to the newly elected Tribal Council
437 Member.

438 **Section 14. Election Ordinance.** The Tribal Council shall enact an
439 election ordinance consistent with this Constitution which covers all
440 necessary procedures for all elections Other than the stipulations in
441 this Constitution, all election procedures and which shall be entitled
442 "Ordinance for Tribal Elections".

444 **Section 15. Referenda and Amendments.** Other than elected
445 officials, the term "Election" shall also refer to the adoption of
446 Ordinances by Referenda under Article XI and to Amendments under
447 Article XVI, both of which require a vote of the general Membership.
448 Other than as defined in this Constitution, procedures for such
449 Referenda and Amendments, shall be specified in an appropriate
450 Election Ordinance.

451 **ARTICLE IX - Removal and Vacancy**

452 **Section 1. Removal.**

454 The Tribal Council shall remove a Council Member for: a final
455 conviction of a felony by any tribal, federal, or state court while
456 serving on the Tribal Council.

458 The Tribal Council may suspend a Council Member charged with a
459 felony pending the outcome of the trial and any appeal.

460 The Tribal Council may discipline or remove a Council Member by a
461 vote of at least five (5) Members of the Tribal Council for converting
462 tribal property or moneys for personal use or failing to attend four (4)
463 regular or special meetings consecutively without good cause; or the
464 final conviction of three misdemeanors by any tribal, federal, or state

466 court while serving on the Tribal Council; or the violation of the
Code of Ethics.

468 In all proceedings under Sections 1a, 1b, or 1c, above, the Tribal
Council Member in question shall be afforded full due process rights
470 including a written statement of the charges, the right to respond to
those charges, the right to be represented by counsel, and the right to
472 present witnesses and other evidence in his or her defense. The
decision of the Tribal Council shall be final and shall be appealable
474 to the Tribal Court only if a claim is made that the tribal Constitution
has been violated or due process rights have not been afforded. A
Council Member removed from office must wait at least five (5)
476 years from the official date of removal to run again for office.

478 **Section 2. Recall.**

480 Any adult tribal member may initiate recall proceedings against any
Tribal Council Member by filing a written request with the Election
Board, Provided, That a recall proceeding may not be initiated
482 against any Tribal Council member whose term expires within six (6)
months.

484 After receipt of the written request, the Election Board shall issue
official petition forms to the tribal member who initiated the Recall.
486 That tribal Member shall have sixty (60) days to collect the
signatures from thirty percent (30%) of the eligible voters of the
488 Tribe.

490 Individuals petitions shall be circulated for each Tribal Council
Member who is subject to recall. A maximum of three (3) Tribal
492 Council Members may be recalled at a time.

The Election Board shall verify the signatures on a recall petition

494 within ten (10) days of receipt of the petition. If the tribal member
496 seeking recall has collected the required number of signatures in the
allotted time, then the Election Board shall hold a recall meeting
498 within sixty (60) days of the receipt of the petition. Notice of the
recall meeting shall be mailed to eligible tribal voters at least thirty
(30) days prior to the recall meeting. The persons initiating the recall
500 and the person subject to recall shall be given a reasonable
opportunity to speak and present evidence the recall meeting.

502 A majority vote by secret, written ballot of the eligible voters
attending the recall meeting shall determine the success or failure of
504 the recall petition(s), Provided, That at least thirty percent (30%) of
the eligible voters actually vote at the recall meeting.

506 The recall meeting shall be held in accordance with the provisions of
the Ordinance for Tribal Elections, which shall include a section on
508 recall procedures.

510 **Section 3. Vacancies.**

512 If a Tribal Council Member should become deceased, resign, or
incapacitated, or be removed or recalled from office, then the Tribal
514 Council shall declare the position vacant. The Tribal Council shall
fill a vacancy by special election unless there are less than six (6)
516 months remain in the term, in which case the Tribal Council shall
leave the position vacant. The Person who fills a vacant position
518 shall only serve out the term of the person whom he or she is
replacing.

520 All resignations from the Tribal Council shall be done in writing.

522 **ARTICLE X - Land**

524 The Tribal Council shall have the authority to establish land policies,
to adopt a land use ordinance, and to otherwise regulate land within
the territory of the Tribe in accordance with applicable law.

526

ARTICLE XI - Initiative and Referendum

528

530

532

534

536

538

Section 1. Initiatives. Excluding issues that regard Membership under Article II, land, or housing, any Member may proposed to the Tribal Council any Ordinance or Resolution to be adopted by the Tribal Council. Such an Initiative must be in the form of a prescribed petition that has been signed by at least thirty percent (30%) of the eligible voters of The Tribe. The Tribal Council must vote on said Initiative within sixty (60) days after receipt of the petition with its qualifying number of petition signatures. A majority vote of the Tribal Council shall decide whether the proposed Ordinance or Resolution is adopted and, thereafter, be in effect. If the Tribal Council does not act within the sixty (60) day enactment period, the petitioner of the Initiative may use the Referendum process, below.

540

542

544

546

Section 2. Referendum. If the Tribal Council fails to vote on an Initiative, as in Section 1, above, or if the Tribal Council votes against said Initiative, then the Petitioners may seek a Referendum vote from the eligible voters of the Membership. The Petition shall be reconstructed as a Referendum, thirty percent (30%) of the eligible voters of The Tribe shall sign the Referendum, and it shall be presented to the Tribal Council to call a special election pursuant to an appropriate Election Ordinance under Article VII, Section 15..

548

550

Section 3. Procedures. Initiatives and Referenda elections shall be conducted by the Election Board and shall be held in accordance with the provisions of an ordinance which deals specifically with Initiatives and Referenda procedures and which shall be called Ordinance for Initiative and Referendum.

552

ARTICLE XII - Types of Enactments

554

Tribal laws, policies, and other Enactments shall be classified as follows.

556

558

Section 1. Resolutions. Any final decision on a matter of temporary interest, where a formal expression is needed, shall be embodied in a Resolution that has been adopted by the Tribal Council, noted in the minutes of the Tribal Council meeting, codified as in Section 4, and available for inspection by Members of The Tribe during normal business hours.

560

562

564

Section 2. Ordinances. Any final decision on a matter of a permanent or more enduring nature shall be embodied in an Ordinance that has been adopted by the Tribal Council, noted in the minutes of the Tribal Council meeting, codified as in Section 4, and available for inspection by Members of The Tribe during normal business hours.

566

568

570

Section 3. Executive Orders. All Executive Orders, policies, and administrative directives agencies that are subordinate to the Tribal Council shall be codified as in Section 4, and available for inspection by Members of The Tribe during normal business hours.

572

574

Section 4. Codification. All Enactments of The Tribe shall be codified in the following manner - first the date (yyyy-mm-dd), then the type of Enactment, and then the subject matter. For example, 2008-07-15 - Resolution - Land Purchase. All Enactments shall be cataloged in a journal fashion in chronological order and then copies filed in ledgers that are codified in a system that is similar to the United States Code.

576

578

580

ARTICLE XII - Sovereign Immunity

582

The California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria shall be immune from suit except to the extent that the Tribal Council expressly waives The Tribe's sovereign immunity, or as provided by this Constitution.

584

586

ARTICLE XIV - Civil Rights

588

(a) The Tribe, in exercising its powers of self-government shall not abrogate the following Civil Rights.

590

(b) The Tribe shall not make or enforce any law which prohibits the free exercise of religion, or abridges the freedoms of speech, communications, or the right of people to peaceably assembly and to petition for redress of grievances or initiate Ordinances;

592

594

(c) The Tribe shall not violate the right of Members to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor shall warrants be issued except on probable cause and supported by an oath or affirmation, which describes the particular place to be search and the person or thing to be seized;

596

598

600

(d) The Tribe shall not subject any person for prosecution for the same offense and thereby be put into jeopardy twice for the same offense;

602

604

(e) The Tribe shall not compel any person in any criminal case to be a witness against oneself;

606

608

(f) The Tribe shall not take any private property for a public use with just compensation;

610

(g) The Tribe shall not deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against the person, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense and to have these rights explained at the time of arrest;

616

(h) The Tribe shall not require excessive bail, impose excessive fines, or inflict cruel and unusual punishment;

618

620

(i) The Tribe shall not deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

622

624

(j) The Tribe shall not create any law of attainder which declares a person or group of persons guilty of some crime and punishes them without benefit of a trial; nor shall The Tribe find a person or group of persons guilty of a violation, *ex post facto*.

626

628

(k) The Tribe shall not deny to any person, who is accused of an offense which is punishable by imprisonment, the right, upon request, to a trial by jury of not less than six persons.

630

ARTICLE XV - General Meetings

632

The Tribal Council shall call at least three (3) general meeting per year of all the Members of the Tribe to identify and discuss important tribal matters. Except on subjects that are legally confidential, all Tribal Council Meetings shall be open to the General Membership,

634

636

**least one (1) general meeting every 3 months
Has NOT been included - the difference is between
every 3 months or 4 months.**

638

ARTICLE XVI - Amendments

640 This Constitution may be amended by a super majority vote of the
 642 qualified voters of The Tribe voting at an election called for that
 644 purpose by the Secretary of the Interior, Provided That at least thirty
 646 percent (30%) of those entitled to vote shall vote in such election; but
 648 not amendment shall become effective until approved by the
 Secretary of the Interior or until deemed approved by the Secretary
 by operation of law. It shall be the duty of the Secretary of the
 Interior to call and hold an election on any proposed amendment at
 the request of the Tribal Council, or upon presentation of a petition
 which is signed by at least thirty percent (30%) of the qualified voters
 of the Tribe.

**Provided That at least thirty percent (51%)
 of those entitled to vote**

**Has NOT been included - this needs some thought
 about 51% of all members who are qualified to vote
 or 60% of all those who do vote. Also, a quorum of
 voters needs to be considered. Any Amendment
 must be confired by the Secretary of the Interior - I
 think. So, any Amendment must be really
 important.**

ARTICLE XVII - Savings Clause

650
 652 All Enactments of The Tribe which have been adopted before the
 654 effective date of this Constitution and by the Hereditary Chief,
 Yakima Dixie and his Tribal Council shall continue in full force and
 effect to the extend that they are consistent with this Constitution.

**shall be reviewed by the first recognized
 Tribal Council and subject to ratification,
 modification, or rejection by the whole tribe
 Has NOT been included but needs further
 consideration..**

ARTICLE XVIII - Adoption of Constitution

658
 660 This Constitution, when adopted by a majority vote of the registered
 662 voters of the California Valley Me-Wuk Tribe of the Sheep Ranch
 664 Rancheria, voting at a special election which is authorized by the
 666 Secretary of the Interior in which at least thirty percent (30%) of
 those registered in accordance with Secretarial regulations to vote
 shall vote, shall be submitted to the Secretary of the Interior for
 approval, and, if approved by the Secretary of the Interior or by
 operation of law, shall be effective from the date of such approval.

least fifth percent (51%) of

**Has NOT been included and needs further work
 when negotiations with the BIA begin. Will the
 Interim Tribal Council as identified by the BIA
 approve the Constitution or wil that have to be done
 by all of the prospective members who cannot be
 included until there is an adopted Constitution?.**

Certificate of Results of Election

668

Pursuant to a Secretarial election as authorized by the Deputy
commissioner of Indian Affairs on _____, the Constitution of the
California Valley Me-Wuk Tribe of the Sheep Ranch Rancheria was
submitted to the qualified voters of the California Valley Me-Wuk
Tribe of the Sheep Ranch Rancheria and on _____ was
adopted /rejected by a vote of _____ For and _____ Against, and
_____ cast ballots found spoiled or mutilated, in an election in
which at least thirty percent (30%) of the _____ entitled to vote cast
their ballots in accordance with Section 16 of the Indian
Reorganization Act of June 18, 1943 (48 Stat. 984) and as
subsequently amended.

680

Chairperson, Election Board

682

Election Board Member

684

Election Board Member

686

Election Board Member

688

690

692

Date:

694

696

Velma & Antonia:

Here is a draft of the Constitution which I consider close to that which we can submit to the BIA for formal review. I reverted back to the BIA's template so that there would be a better fit with what they are expecting and their wording and coverage are as good as anything. I will do a final review of Melnicoe's and Briana's drafts to see if there is anything which I over-looked. The Constitution should be the more permanent superstructure for the management of the Tribe as an organization. This which might change according to circumstances should be handled by Resolutions and Ordinances, which can be modified as may be required but which must conform to the structure of the Constitution.

Here is the basic format. Any one who is a lineal descendant of the 1929 census and the 2007 Public Notices or who has been adopted according to an Ordinance is a Member. Anyone who is 18 or older may vote in the election for Members of the Tribal Council. There are 7 Tribal Council Members with no more than 4 being up for election at any particular time. The term for a Council Member is 4 years; and elections are held every two years. Thus, changes will be staggered and there will be continuity in the management of the Council. At an election, each voting Member will cast a ballot for all of the available seats and the highest votes received will fill those seats. The Council will elect its Chairperson, and the Chairperson will decide which of the other Council Members will be the Vice President. Rogers-Davis indicated that this is the usual format.

The election protocol would be as follows. At the first election, all 7 seats would be open; and the Council Members who are elected at the first election would serve for 4 years. At the end of 4 years, four seats (1-4) would be open for election and 3 would continue on for a initial, full term of 6 years. Then at the end of 6 years, those 3 seats would be open for election. Thereafter, all seats would be open for re-election after serving 4 years.

| | Council Seat Number | | | | | | |
|--------------|---------------------|------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| October 2008 | open | open | open | open | open | open | open |
| October 2012 | open | open | open | open | | | |
| October 2014 | | | | | open | open | open |
| October 2016 | open | open | open | open | | | |
| October 2018 | | | | | open | open | open |
| | | | | | | | |

The Tribal Council holds all powers to conduct the business of the Tribe. There will be a Tribal Court and Court of Appeals and an Election Board. Also, the Administration can be done by others under the authority of the Tribal Council. The Schematic below, depicts that.